

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, DECEMBER 17, 2009.

[132]

JOURNAL OF THE HOUSE.

Thursday, December 17, 2009.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, Source of Truth, Hope and Love, in prayer we open our hearts and minds to You and the spiritual gifts and blessings which You offer to us each day. We believe that You and Your sometimes mysterious ways and precepts offer direction and meaning to our daily lives. As duly elected and concerned leaders in these changing times, help us to distinguish the important from the less pressing issues and challenges which we face on a daily basis. May our own high ideals, goals and principles guide us in our decision-making actions. Inspire us to continue united efforts to make our communities safe, stable and successful in which our children, families, workers, institutions and businesses prosper. In this age of worldwide violence against the innocent and helpless, teach us to continue to respect the letter and the spirit of our state and federal constitutions.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Motion to Suspend Rule 24(2).

Mr. Stanley of Waltham then moved that Rule 24(2) be suspended so that she might offer, from the floor, an Order (filed by him and other members of the House) relative to amending House Rule 85A to further regulate audits of House accounts.

The motion to suspend Rule 24(2) was negatived; and the order was referred, under said rule, to the committee on Rules.

Messages from the Governor.

A message from His Excellency the Governor (under Section 7 of Chapter 150E of the General Laws) submitting recommendations for making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4396), was filed in the office of the Clerk Monday, December 15.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

A message from His Excellency the Governor (under Section 8 of Article

Prayer.

Pledge of
allegiance.

House accounts,—
regulate
independent
audits.

Collective
bargaining
agreements.

Concord,—

LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at an annual town election in the town of Concord (House, No. 4397), was filed in the office of the Clerk on Wednesday, December 16.

election
validation.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Haddad of Somerset) honoring Janice Frances D'Elia MacDonald for her contributions to the theatre, art and dance communities of greater Fall River; and

Janice Frances
D'Elia MacDonald.

Resolutions (filed by Mr. Calter of Kingston) congratulating Joshua David Napolitano on receiving the Eagle Award of the Boy Scouts of America.

Joshua David
Napolitano.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the Rules, in each instance, on motion of Mr. Rushing of Boston, resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Ms. Ehrlich of Marblehead presented a petition (subject to Joint Rule 12) of Lori Ehrlich for legislation to establish a sick leave bank for Tree Borden, an employee of the Norfolk County District Attorney's Office, and the same was referred, under rule 24, to the committee on Rules.

Tree Borden,—
sick leave bank.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Reports of Committees.

By Mr. Binienda of the Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Charles A. Murphy relative to elevator regulations. To the committee on Public Safety and Homeland Security.

Elevator
regulations.

Joint petition (accompanied by bill) of Peter V. Kocot and Stanley C. Rosenberg for legislation to establish a sick leave bank for Janet Ochner, an employee of the Department of Developmental Services. To the committee on Public Service.

Janet Ochner, —
sick leave bank.

Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4388, a Bill making an appropriation for the fiscal year 2010 to provide for supplementing certain existing appropriations (House, No. 4395) [Appropriation: \$41,962,177]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental
appropriations.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Murphy of Burlington, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rushing of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Subsequently the bill came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, by said branch with amendments

In section 2 striking out item 0610-0000; and

By adding the following the two sections:

“SECTION 2A.

0612-0105 For payment of the public safety employee killed in the line of duty benefit authorized by section 100A of chapter 32 of the General Laws; provided, that the state treasurer office shall provide immediate written notification to the secretary of administration and finance and the house and senate committees on ways and means upon the expenditure of the funds appropriated herein \$100,000.

SECTION 3. Notwithstanding any general or special law to the contrary, the water pollution abatement trust established in section 2 of chapter 29C of the General Laws may establish such terms and conditions for any loan or other form of financial assistance made under said chapter 29C as the board of trustees of the trust shall determine to be in the best interests of the commonwealth and as required to comply with federal law including, without limitation, the interest rate, repayment period, number of payments to be made and amount of principal to be repaid on such loan or other form of financial assistance. The trustees shall exercise the authority conferred by this section only to the extent necessary to comply with federal law.”.

Under suspension of Rule 35, on motion of Mr. Murphy of Burlington, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered; and they were adopted, in concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to kayaks (Senate, No. 974) be scheduled for consideration by the House.

Kayak
safety.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill to authorize the town of Charlton to acquire dams within the town to make improvements to dams and to authorize the assessment of betterments to pay costs of the same (Senate, No. 2108, amended) be scheduled for

Charlton,—
dams.

consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Cantwell of Marshfield, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Senate Bill designating a certain bicycle path in the city of Fall River and the town of Somerset as the Army Pvt. Michael E. Bouthot bicycle path (Senate, No. 2204) be scheduled for consideration by the House.

Army Pvt. Michael E. Bouthot, —bike path.

Under suspension of Rule 7A, on motion of Brownsberger of Belmont, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relating to Division of Insurance maintenance assessments (House, No. 954) be scheduled for consideration by the House.

Division of Insurance, — maintenance.

Under suspension of Rule 7A, on motion of Pedone of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relating to liability insurance (House, No. 955) be scheduled for consideration by the House.

Liability insurance.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to affiliate transfers (House, No. 959) be scheduled for consideration by the House.

Affiliate transfers.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to deposits in trust for other persons (House, No. 999) be scheduled for consideration by the House.

Trusts.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the delivery of loss information to an insured from commercial insurers (House, No. 1039) be scheduled for consideration by the House.

Commercial insurers.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill exempting the harbor and shellfish advisory board membership from conflict of interest regarding discussion of shellfish licensing

Harbor and shellfish advisory board.

(House, No. 1126) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Spencer to grant real and personal property tax abatements to members of the Massachusetts National Guard and reservist units called to active duty and serving in a foreign country (House, No. 1134) be scheduled for consideration by the House.

Spencer, —
National Guard tax
abatements.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to real estate taxes in the town of Wayland (House, No. 1903) be scheduled for consideration by the House.

Wayland, —real
estate taxes.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the qualification, service and salary of the county manager (House, No. 1993) be scheduled for consideration by the House.

County managers.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to property tax exemptions for rental properties in the town of Wellfleet restricted to affordable housing (House, No. 2852) be scheduled for consideration by the House.

Wellfleet, —tax
exemptions.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to naming "The Road to Boston" in memory of Benny Emerick (House, No. 3182) be scheduled for consideration by the House.

Road to Boston, —
Benny Emerick.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the lease of day agriculture and conservation land in the town of Westford (House, No. 4193) be scheduled for consideration by the House.

Westford, —
conservation land.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill clarifying certain banking laws (House, No. 4341) be scheduled for consideration by the House.

Banking laws.

UNCORRECTED PROOF.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill allowing the town of Sharon to grant licenses for the sale of wine and malt beverages at a food store, not to be drunk on the premises (House, No. 4371) be scheduled for consideration by the House.

Sharon, —liquor licenses.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of Mr. Kafka, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: “An Act authorizing the town of Sharon to grant licenses for the sale of wines and malt beverages at a food store, not to be drunk on the premises. Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relating to an issue of bonds by the town of Belmont (printed in House, No. 4389) be scheduled for consideration by the House.

Belmont, —bonds.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, a Bill naming the inpatient library at the Corrigan Mental Health Center (House, No. 4364). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Corrigan Center.

By Ms. Forry of Boston, for the committee on Small Business and Community Development, a Bill relative to the Yarmouth Marina (House, No. 4321).

Yarmouth Marina.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

The House Bill establishing a sick leave bank for Christopher Sandiford, an employee of the Department of Transitional Assistance (see House, No. 4333), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Orders of the Day.

Senate bills

Designating a certain bridge in the town of Raynham as the SFC Jared C. Monti Bridge (Senate, No 2177); and

Designating a certain bridge in the city of Taunton as the SSG Adelino Paulo Bridge (Senate, No. 2178);

Severally reported by the committee on Bills in the Third Reading to be

Third reading bills.

correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to the selectman-town administrator form of government of the town of Stoneham (House, No. 633) (its title having been changed by the committee on Bills in the Third Reading);

Id.

Relative to the Nantucket Historic District Commission (House, No. 1121) (its title having been changed by the committee on Bills in the Third Reading);

Relative to elections for the Dennis Water District (House, No. 1140);

Relative to town meetings in the town of Framingham (House, No. 1896) (its title having been changed by the committee on Bills in the Third Reading);

Naming a certain bridge in the city of Malden as the Joseph E. Croken Memorial Bridge (House, No. 3210) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the sale of taxi licenses in the town of Brookline (House, No. 3712) (its title having been changed by the committee on Bills in the Third Reading);

Amending the town of Yarmouth charter (House, No. 4175);

Authorizing the town of Lincoln to place a certain question relative to the sale of wines and malt beverages on the town's election ballot (House, No. 4257) (its title having been changed by the committee on Bills in the Third Reading);

Increasing the membership of the board of selectmen in the town of Hamilton (House, No. 4294) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for Olivia Mulhall, an employee of the Trial Court (House, No. 4361) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by the said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recess.

At five minutes after one o'clock P.M., on motion of Mr. Garballey of Arlington (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twelve minutes before six o'clock, the House was called to order with Mr. Donato in the Chair.

Recess.

Emergency Measure.

The engrossed Bill making appropriations for fiscal year 2010 to provide for supplementing certain existing appropriations (see House, No. 4395, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Supplemental appropriation.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next sitting.

Mr. Rush of Boston then moved that as a mark of respect to the memory of Charles Robert Doyle, a member of the House from Boston from 1953 to 1964, inclusive, 1967 to 1974, inclusive, and 1977 to 1988, inclusive, the House adjourn; and the motion prevailed.

At two minutes before six o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.